

No. 367, S.]

[Published August 3, 1951.]

CHAPTER 612.

AN ACT to amend 83.08 (2) of the statutes, relating to acquisition of lands for highway purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

83.08 (2) of the statutes is amended to read:

83.08 (2) If any of the needed lands or interests therein cannot be purchased expeditiously for a reasonable price, the committee may acquire the same either by condemnation under chapter 32 or section 83.07, or may make and sign an award of damages to the owner and file the same with the county clerk; and thereupon the amount so awarded shall be payable the same as when the lands or interests are acquired by purchase; and the owner may receive the award without prejudice to his right to claim and to contest for a greater sum. When the award has been filed, the highway authorities and their contractors and employes may take possession of the lands and exercise full control of the interests in lands acquired. A copy of the award shall be delivered or mailed to the owner if his address be known and if not known then to the occupant of the land. If the land is unoccupied and the name or address of the owner is unknown, the award shall be published at least once each week for 3 successive weeks in a newspaper having general circulation in the county. The award of damages to the owner shall be recorded in the office of the register of deeds. The owner may, within 2 years after the filing of the award with the county clerk, proceed as provided in chapter 32 to have his damages appraised, or may within said period apply to the county judge, on 5 days' written notice to any member of the highway committee, to appraise the damages and thereafter the proceedings shall be as provided in section 83.07. *In the event that the owner of the land accepts payment of the award and the amount of the appraisal on such appeal either by commissioners of appraisal under chapter 32 or by the county judge shall be less than the amount of the original award by the county highway committee the county shall have a lien against the lands of such owner for the amount of the difference which lien may be recorded in the office of the register of deeds and shall be in force with interest until satisfied or until it is set aside by a judgment of the circuit court in an action pursuant to section 32.11.*

Approved July 13, 1951.